

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES CASTON, *et al.*,

Plaintiffs,

vs.

SHAUNIE ONEAL, *et al.*,

Defendant,

2:08-CV-0038-RLH-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

The Court has reviewed the proposed complaint in this case (Attachment 2 to the Application to Proceed Without Prepayment of Fees and Affidavit (#1). Upon review of the proposed complaint, the Court finds that the proposed complaint is frivolous as no viable claims are possible based on the facts contained therein. Good cause appearing therefore,

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be **DISMISSED WITH PREJUDICE.**

NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or

1 appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th
2 Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 5TH day of March, 2008.

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7 ROBERT J. JOHNSTON
8 United States Magistrate Judge
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